

REMARKS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-16 are pending. Claims 1, 5, 8, 10, and 14 are independent. Claims 1, 2, 6, 10, and 14 are amended herewith. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment was not presented at an earlier date in view of the fact that Applicants did not fully appreciate the Examiner's position until the Final Office Action was reviewed.

Request for Examiner Interview

To advance the prosecution of the present application, the Applicant respectfully requests that the Examiner contact Applicant's representative, Carl T. Thomsen, Registration No. 50,786, at 703-208-4030, to discuss the arguments and amendments set forth herein.

Allowable Subject Matter

The Examiner states that claims 5-7 are allowed.

The Applicant appreciates the Examiner's early indication of allowable subject matter. The Examiner will note that claim 6 is amended herein, merely to correct a typographical error.

Amendment to the Specification

The specification is amended at page 12, lines 4-12 to correct a typographical error.

Rejection Under 35 U.S.C. §103(a)

Claims 1-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stockman et al. (U.S. 5,774,617). This rejection is respectfully traversed.

First of all, the Applicant respectfully submits that the combination of elements or method steps set forth in each of independent claims 1, 8, 10, and 14 as originally filed and as amended on February 10, 2004 is not disclosed or made obvious by the prior art of record, including Stockman et al.

As can be seen in Attachment 1 provided by the Examiner in the Office Action, column 3, line 53-55 and FIGS. 6 and 7 of the Stockman et al. document merely discloses a manifold made of a number of different modules

As can be seen, the deficiencies of Stockman et al. include:

- Stockman et al. fail to disclose an insert within the fiber management tool, as set forth in independent claims 1, 8, 10, 14 as originally filed and as amended on February 10, 2004;
- Stockman et al. fail to disclose the removable insert as set forth in independent claims 1 and 10 as originally filed and as amended on February 10, 2004;

- Stockman et al. fail to disclose at least two of the curved portions being concave-shaped as set forth in independent claim 8, as amended on February 10, 2004 (The Examiner argues that the changing the shape of the curves would be obvious. The Applicants respectfully disagree. Since Stockman et al. fail to teach an insert, it is impossible to conclude that it would be obvious to change the shape of an element that is never disclosed in Stockman et al. Moreover, as disclosed in the specification as originally filed, the careful configuration of the shape, the size, and the radius of curvature of the curves in the insert and the fiber management tool are specific objectives of the present invention to address the problems of the conventional art.)
- Stockman et al. fail to disclose a curved member of the insert forming a channel with an arcuate portion of the fiber management tool, as set forth in independent claims 1 and 10 as originally filed and as amended on February 10, 2004;
- Stockman et al. fail to disclose a curved member of the insert reducing the width of the channel provided in the fiber management tool as set forth in claim 14, as originally filed and as amended on February 10, 2004. (In Attachment A, FIG. 7, the Examiner points to channel 116 and asserts that this is an insert, and asserts that channel 116 teaches a channel formed between the curved member (of the insert) and the at least one arcuate portion (of the fiber management tool. This is not the case. Moreover, it is the guide walls 146 of Stockman et al. that reduce the width of the channel.)

At least for the reasons set forth above, the Applicant respectfully submits that the rejection under 35 U.S.C. 103(a) based on Stockman et al. is improper.

Claims 1, 8, 10, and 14 are believed to be in condition for allowance as amended on February 10, 2004. Nonetheless, merely for the purpose of improving the clarity and form of the claimed invention, the Applicant is voluntarily making minor changes to the claims 1, 10, and 14 as described below. No changes are made to independent claim 8.

Amendments to Independent Claims 1, 10, and 14

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 1 is amended herein to recite a combination of elements directed to an insert provided within a fiber management tool, including a channel formed between the at least one arcuate portion of the fiber optic cable management tool and the at least one curved member of the insert, the channel having a radius that exceeds the minimum bend radius of a fiber optic cable to be provided in the fiber optic cable management tool.

Independent claim 10 is amended herein to recite a combination of elements directed to a fiber optic cable management system, including a channel formed between the at least one arcuate portion of said at least one fiber optic cable management tool and the at least one curved member of the insert, the channel having a radius that exceeds the minimum bend radius of a fiber optic cable to be provided within the channel.

Independent claim 14 is amended herein to recite a combination of steps directed to a method for reducing a width of a channel provided in a fiber optic cable management tool,

including providing an insert within the fiber optic cable management tool, the insert having at least one curved member providing a channel between the curved member of the insert and an arcuate portion of the fiber management tool.

In view of the above described amendments and arguments, the Applicant respectfully submits that the combinations of elements and method steps set forth in independent claims 1, 10, and 14 are not disclosed or made obvious by the prior art of record, including Stockman et al., at least for the reasons explained above.

Independent Claim 8 - Prima Facie Case of Obviousness Not Established

Regarding independent claim 8, the Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness.

As mentioned above Stockman et al. fail to disclose at least two of the curved portions being concave-shaped as set forth in independent claim 8, as amended on February 10, 2004. Since Stockman et al. fail to teach an insert, it is impossible to conclude that it would be obvious to change the shape of an element that is not disclosed in Stockman et al.

For a *prima facie* case of obviousness to be proper, all limitations of the present invention must be present, and there must be a motivation to modify these limitations. Since Stockman et al. is a completely different structure and lacks an insert, and since there can be no motivation to modify an element that does not exist, the Examiner has certainly not established a *prima facie* case of obviousness.

Moreover, as disclosed in the specification of the present application as originally filed, the careful configuration of the shape, the size, and the radius of curvature of the

curves in the insert and the fiber management tool are specific objectives of the present invention to address the problems of the conventional art. There is no indication whatsoever in the Stockman et al. document, that Stockman et al. faced the problem of the present inventor.

In view of the arguments and amendments described above, claims 1, 8, 10, and 14 are in condition for allowance. Further, the dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel limitations set forth therein. The Examiner will note that minor changes are made to dependent claims 2 and 6 to correct typographical errors.

Claims 5-7 are allowed.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

All claims of the present invention are now in condition for allowance.

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Amendment dated July 7, 2004
Reply to Office Action of May 18, 2004

Docket No. 4450-0411P
Art Unit: 2839
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CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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